



BILL LOCKYER
TREASURER
STATE OF CALIFORNIA

January 17, 2008

Commissioner Patrick Kruer
Chairman
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Opposition to Consistency Certification for Foothill South Toll Road (CC-018-07)

Dear Chairman Kruer:

I write to express my strong opposition to the proposed Foothill-South Toll Road through San Onofre State Beach. I urge the California Coastal Commission to reject a finding that the project is consistent with the federal Coastal Zone Management Act (Act).

I understand Governor Schwarzenegger has expressed his support for the project in a January 15, 2008 letter to you. The Governor's position deeply disappoints me, as someone intimately familiar with the project, its history and the devastation it would visit on one of our state's most cherished natural resources.

I agree with the Governor on the need to reduce the environmental harm caused by traffic gridlock. But the Foothill-South Toll Road, contrary to the Governor's assertion, would produce environmental damage, not benefits. And it would do so in the name of relieving traffic congestion – a goal that is irrelevant to determinations of compliance with the Act and one that could be accomplished with alternative means that do no environmental harm.

As Attorney General, I filed suit on March 23, 2006 to block this toll road project. The action drew support from the state's leading environmental organizations and members of the Native American Heritage Commission. The lawsuit sought to uphold California's important laws on environmental protection and preservation of sacred Native American sites. Filed on behalf of the people of California, the action alleged the Transportation Corridor Agencies (TCA), in approving the project, violated the California Environmental Quality Act (CEQA) and Public Resources Code section 5097.94.

The proposed toll road, according to the lawsuit, would destroy unique environmental resources and sacred religious and ceremonial sites in San Onofre State Beach. I strongly believed then that the TCA's proposal effectively would eliminate a state park from California's world-class system. I still believe that today. The project should not be allowed to proceed.

The toll road would decimate a natural resource that has been treasured by Californians for 37 years. Since its creation in 1971 by Governor Ronald Reagan, the park has been a haven for local residents, a prime recreation spot for visitors and tourists, and a worldwide attraction for the professional surfing community. San Onofre State Beach offers the public access to a natural environment that is



January 17, 2008
Commissioner Patrick Krueer
Page two

unparalleled in northern San Diego County. It also is home to the popular San Mateo Campground, which provides low-cost overnight access to the coast, a great asset to the area. The park ranks as California's sixth most-popular state park, with more than 2.4 million visits per year.

Yet, despite San Onofre State Beach's popularity and prominence in the state park system, the TCA proposes to pave a road through its heart. As detailed in the Coastal Commission staff report, the proposal violates essential Coastal Act policies. Among its harmful effects, the toll road would:

Bisect the entire upland portion of San Onofre State Beach; cause the closure of San Mateo Campground; destroy more than 50 acres of irreplaceable Environmentally Sensitive Habitat Areas; encroach into wetlands; degrade water quality in the San Mateo Creek watershed; and disturb Native American sacred sites, artifacts and relics.

The project would have other impacts that, while not pertinent to the Commission's deliberations related to the Act, are nonetheless significant and worth mentioning. Specifically, the toll road would run through the O'Neill Land Conservancy in the coastal foothills and lead to development of the last undeveloped valley between central Orange County and San Diego.

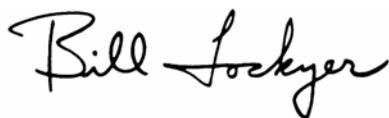
The measures the TCA proposes to mitigate the toll road's harmful effects are wholly insufficient, as a matter of law, to bring it into compliance with the Act. The TCA cannot, as it proposes, make the project consistent with the Act by writing a check to fund unspecified mitigation measures. The additional actions suggested by the Governor, while positive, would do nothing to prevent the project from running afoul of the Act. And none of these steps would prevent the loss of a jewel of our state park system.

As State Treasurer, I understand the importance of finding an appropriate balance between the competing demands of providing an infrastructure that meets the needs of a growing California and protecting the natural resources we cherish. The TCA's proposal fails to balance these interests. On the contrary, it paves over one interest to satisfy the other.

Alternative projects have been suggested that would avoid the state park altogether and focus on improvements to the Interstate 5 (I-5) corridor. Since the stated purpose of the toll road is to relieve congestion on I-5, it makes sense to pursue feasible improvements to that already-built corridor, instead of wrecking a state park on a gamble that the project might relieve traffic on other roadways.

Our state parks are an integral part of California's identity and help make our state "golden." The most iconic images of California are state parks – giant Sequoia groves, ancient Redwood forests, sprawling coastlines and beaches, imposing desert landscapes and more. These parks express our commitment to environmental protection and to preserving our unmatched natural resources for future generations to enjoy. San Onofre State Beach is one of those parks. As such, it deserves the strongest protection. I urge the Commission to provide that protection and reject the TCA's application.

Sincerely,



BILL LOCKYER
State Treasurer

cc: California Coastal Commissioners
Governor Arnold Schwarzenegger
Assembly Speaker Fabian Nunez
Senate President pro Tem Don Perata
Caltrans Director Will Kempton